

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**UNITED STATES OF AMERICA**

\*

**v.**

\*

**Case No.: 8:22-po-00390-GLS**

**RICHARD B. OLESZCZUK,**

\*

**Defendant**

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**MEMORANDUM OPINION AND ORDER**

On October 18, 2021, the Defendant was charged by citation with a single count of possession of a firearm at the National Institutes of Health (“NIH”) in violation of 45 C.F.R. § 3.42(g). (ECF No. 1).

Pending before this Court is the Defendant’s oral motion to dismiss the charge on Second Amendment grounds (“Motion to Dismiss”), citing *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111 (2022). The Defendant made the oral Motion to Dismiss on October 18, 2022, and has not supplemented the oral Motion to Dismiss with any briefing. On December 28, 2022, the Government has filed a “Notice of Authority” in opposition of the Motion to Dismiss. (ECF No. 31).

On January 9, 2023, in both *United States of America v. Robertson*, GLS-22-0867 (D. Md.), and *United States of America v. Power*, GLS-20-0331 (D. Md.), this Court issued memorandum opinions denying motions to dismiss related to the same types of Second Amendment challenges as the Defendant advances here. The Court, having reviewed this case, adopts its rulings in *Robertson* and *Power*, and holds that 45 C.F.R. § 3.42(g) does not violate the Second Amendment for the reasons set forth in the *Robertson* and *Power* memorandum opinions. Accordingly, the

Defendant's Motion to Dismiss is **DENIED**.

Dated: February 21, 2023

\_\_\_\_\_/s/\_\_\_\_\_  
The Honorable Gina L. Simms  
United States Magistrate Judge